THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26398 of 2006

DATED: 22.12.2006

Between:

The Senior President,
Sri Guru Singh Sabha, Gurudwara
Ashok Nagar, Hyderabad.

…Petitioner

and

1. The Commissioner,
   Municipal Corporation of Hyderabad,
   Tank Bund, Hyderabad.

2. The Director of Sports,
   Municipal Corporation of Hyderabad,
   Tank bund, Hyderabad.

...Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26398 of 2006

ORDER:

The matter came up for admission on 20.12.2006. Sri Ghanta Rama Rao had taken notice and requested time to get instructions and that is how, the matter is appearing in the list today.

The matter is coming up for admission. The Senior President, Sri Guru Singh Sabha, Gurudwara Ashok Nagar, Hyderabad, filed the present Writ Petition for a Writ of Mandamus directing the respondents to provide NTR Stadium situated opposite to Indira Park, Lower Tank Bund, Hyderabad, for the purpose of holding Kirtan (Prayer) by the petitioner on 10.02.2007, and to pass such other suitable orders.

The letter issued by respondent No.2, dated 04.12.2006, in Lr.No.843/PG/SI/MCH/2006/1275, reads as hereunder:-

> The President, Sri Guru Singh Sabha, Ashok Bazar, Hyderabad vide reference 2nd cited has requested to provide N.T.R. Stadium on 10th February – 2007 for Religious Function only Kirtan (Prayer).

It is to inform that as per the Judgment of the Hon'ble High Court of A.P. vide reference 1st cited, wherein the Hon'ble High Court has directed in the Order that the "MCH will not permit the NTR stadium to be used for the purpose of Holding Meetings, Dharnas, Picketing etc., and using Loud Speakers with Amplifiers disturbing peace of the locality".

In view of the above directions of the Hon'ble High Court of A.P., The President, Sri Guru Singh Sabha, Ashok Bazar, Hyderabad is hereby informed that the NTR Stadium cannot be provided to organize a Religious Function i.e., Kirtan (Prayer) on 10th February –2007."

Several factual details are narrated in para Nos.2 to 7 in the affidavit filed in support of the Writ Petition. The Order made in W.P.No.21166 of 2005, dated 02.11.2005, also is placed before this Court. The said Writ Petition was disposed of with the following directions:-

"a) The respondents shall permit the petitioner to hold kirtans on the eve of Gurunanak Devji Jayanthi celebrations on 15th November, 2005 from 9.00 a.m., to 3-00 p.m., at N.T.R. Stadium, opposite to Indira park subject to the following conditions:

b) The writ petitioner shall provide adequate parking place as well as basic amenities to the persons who attend kirtans:

c) The sound level of kirtans shall be maintained in such a manner as not to disturb the local residents.

d) There shall be no order as to costs."

In the light of the facts and circumstances well explained and also in the light of the directions issued by this Court in W.P.No.21166 of 2005, dated 02.11.2005, this Court is of the considered opinion that the present Writ Petition be disposed of directing the respondents to consider the request of the petitioner to provide N.T.R. Stadium situated opposite to Indira Park, Lower Tank Bund, Hyderabad, for the purpose of holding Kirtan (Prayer) by the petitioner on 10.02.2007, subject to such conditions which may be imposed in this regard taking into consideration the facts and circumstances at an early date, preferably, within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No order as to costs.

_____

(P.S.NARAYANA, J)

Dt:22.12.2006
vv/bsb